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Date: November 6, 2007/Jessica Sexton/

Jessica Sexton

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Appellant(s): Thomas M. Keeley

Examiner: Andre D. Boyce

Serial No: 09/407,664

Art Unit: 3623

Filing Date: September 28, 1999

Title: SYSTEM AND METHOD FOR MANAGING AND AUTHENTICATING SERVICES  
VIA SERVICE PRINCIPAL NAMES

**Mail Stop Appeal Brief-Patents**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

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**REPLY BRIEF**

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Dear Sir:

Applicants' representative submits this Reply Brief in response to the Examiner's Answer dated September 6, 2007. In the event any fees may be due in connection with this document, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [ALBRP158US].

**REMARKS**

Claims 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 69, 70, 71, 72, 73, 74, 76, 77, 78 and 79 are currently pending and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein. In particular, the following comments address deficiencies contended in the Examiner's Answer to applicants' Appeal Brief.

**I. Regarding the Rejection of Claims 40-47, 49, 59, 61-64, 69-74, 76, 78 and 79 Under 35 U.S.C. §103(a)**

The Examiner incorrectly maintains the rejection of claims 40-47, 49, 59, 61-64, 69-74, 76, 78 and 79 under 35 U.S.C. §103(a) as being unpatentable over Ogushi *et al.* (U.S. 6,385,497) in view of Shigematsu *et al.* (U.S. 5,432,715) in further view of Martinez *et al.* (U.S. 5,956,665). It is respectfully submitted that this rejection should be reversed for at least the following reasons. Ogushi *et al.* and Shigematsu *et al.* and Martinez *et al.*, individually and in combination, do not disclose or suggest all the claim limitations of the subject claims.

Independent claim 40 (and similarly independent claim 74) recites *a factory automation system for providing status information on at least one factory automation component, comprising: a factory automation component distributed by a first party; the component residing at a site location of a second party; and the component communicating status information directly to the first party wherein the first party compiles the status information from the component and utilizes the status information to the benefit of the second party, the status information comprises component source information, first party site address information, component type information, second party site information and component health information; wherein the server site of the first party communicates version upgrade information to the component in response to version information from the component that does not correspond to a latest version.* Ogushi *et al.*, Shigematsu *et al.* and Martinez *et al.*, taken alone or in combination, fail to disclose or suggest such claimed aspects of the subject innovation.

The Examiner contends that Ogushi *et al.* discloses the limitations of independent claim 40, particularly *a server site of a first party that communicates version upgrade information to at least one component (i.e. the browser software allows the vendor to retrieve a new version of software)* citing a passage of this reference from col. 5, line 64 through col. 6, line 1. However,

it is submitted that Ogushi *et al.* teaches providing version upgrades to users and in response to status information provided by the components as recited in the subject claims. In fact, Ogushi *et al.* teaches a monitoring system on the industrial equipment side to constitute a remote maintenance system for maintaining industrial equipment which periodically monitors the state of equipment to verify if a trouble state exists (*See* Ogushi *et al.* col.1 lines 44-47 and Fig.2 step S203 and Fig.3 step S302). It is only upon such monitoring that any countermeasure is undertaken in accordance with Ogushi *et al.* In contrast, the claimed subject matter relates a component that communicates its status information without a need for monitoring systems such as those disclosed by Ogushi *et al.* Martinez *et al.* fails to overcome this deficiency of Ogushi *et al.* Martinez *et al.* relates to a computer display of a physical arrangement of computer components. The status of the components is periodically monitored and display is updated accordingly (*See* Martinez *et al.* Abstract). In accordance with various aspects disclosed by Martinez *et al.* either a periodic polling event from the PC/Server (Martinez *et al.* Fig.1 – 32) or a user event is required for detecting status of components in the shelf (*See* Martinez *et al.* Fig.7 step 102 and related text at col.9 lines 59-61, Fig. 8 step 122 and related text at col.10 lines 49-51, and Fig. 9 step 142 and related text at col.12 lines 7-18). Shigematsu *et al.* also fails to make-up for this deficiency since the self-monitoring computers have to receive packets from the monitoring computer before transmitting messages (*See* Shigematsu Fig.3 step 21-2).

In contrast, in accordance with the claimed subject matter, each component will periodically send a status message across a network to the supplier or vendor to a target address set by the supplier or vendor or a service supplier. The receiving site will compare the component information against its database and be able to recognize whether product upgrades are available, whether maintenance should be scheduled, or that there might be a safety issue or application solution that might be helpful to the customer. This mitigates the need to have monitoring systems regularly in contact with the components as disclosed in all the references cited by the Examiner.

In view of at least the foregoing, it is readily apparent that Ogushi, *et al.*, Shigematsu *et al.* and Martinez *et al.* fail to teach or suggest all aspects of the subject invention as recited in independent claim 40 (and similarly recited independent claim 74 and claims which respectively depend there from). Accordingly, reversal of this rejection is respectfully requested.

## **II. Regarding the Rejection of Claims 50-56 and 58 Under 35 U.S.C. §103(a)**

The Examiner incorrectly maintains the rejection of claims 50-56 and 58 under U.S.C. §103(a) as being unpatentable over Ogushi *et al.* (U.S. 6,385,497) in view of Shigematsu *et al.* (US 5,432,715) and further in view of Sekizawa (U.S. 6,430,711) and further in view of Martinez *et al.* (US 5,956,665). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Ogushi *et al.*, Shigematsu *et al.*, Sekizawa, nor Martinez *et al.*, individually or in combination, disclose or suggest all the claim limitations of the subject claims.

Independent claim 50 ***the website communicates version upgrade information to at least one of the plurality of components in response to outdated component version information.***

As stated in the previous sections, neither Ogushi *et al.*, Shigematsu *et al.*, nor Martinez *et al.*, alone or in combination, disclose or suggest such aspects of Appellants' claimed invention. Sekizawa fails to overcome this deficiency since CPU 30 of the agent unit 10 of Fig. 2 starts an automatic monitoring program that verifies the status of the printers (*See* Sekizawa Fig. 6 step S054). Hence, Sekizawa also requires a monitoring system for components in order to obtain status information. In fact, upon starting a monitoring program on agent 10, a status request command is transmitted to printers connected to an agent 10 (*See* Sekizawa Fig.8 step S118). In contrast, the claimed subject matter provides for components to communicate status information without a need for external monitoring systems. For example, a limit switch as disclosed in accordance with the claimed subject matter, would include a communication subsystem which facilitates the switch to send periodic status updates without a need for probe/alert from external monitoring systems (*See* applicants' Fig.4a and related text in specification as filed at page 12 lines 21-24).

In view of at least the foregoing, it is clear that the cited references fail to disclose all aspect of the independent claim 50. Therefore, reversal of this rejection is requested with respect to this claim as well as claims 52-56 and 57 that depend there from.

## **III. Regarding the Rejection of Claims 60 and 77 Under 35 U.S.C. §103(a)**

The rejection of claims 60 and 77 have been incorrectly maintained by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Ogushi *et al.* (U.S. 6,385,497) in view of

Shigematsu *et al.* (U.S. 5,432,715) and further in view of Martinez *et al.* (U.S. 5,956,665) and further in view of Sekizawa (U.S. 6,430,711). This rejection should be reversed for at least the following reasons. Claims 60, 77 depend from independent claims 59, 74. As stated *supra*, the cited documents Ogushi *et al.*, Shigematsu *et al.*, and Martinez *et al.* fail to teach or suggest all aspect recited by the in subject independent claims. Sekizawa fails to make up for this deficiency. In particular, Sekizawa does not teach or ***suggest communicating component status information from the at least one component directly to the server of the vendor... communicating version upgrade information from the server to the at least one component in response to version information from the at least one component*** as recited in claim 59 and similarly in claim 74. Sekizawa relates to an automatic monitoring program that runs on a computer (*See* Sekizawa Fig. 1 agent 10 and Fig. 4 step S012). Hence, reversal of the rejection of claims 60 and 77 that depend there from is respectfully requested.

**IV. Conclusion**

The subject application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP158US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731